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25THE NEW YORK TIMES SPECIAL FEATURE MATERIAL: FOR USE BY SPECIAL
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26BY MARY MCGRORY2

272c. 1977 WASHINGTON STAR SYNDICATE2

WASHINGTON - TWO CLIENTS OF WASHINGTON'S FEROCIOUSLY ABLE CRIMINAL
LAWYER, EDWARD BENNETT WILLIAMS, BRACKET THE LEGAL AND POLITICAL
DILEMMA FACING ATTY. GEN. GRIFFIN BELL AND HIS BOSS, PRESIDENT JIMMY
CARTER.

ONE OF WILLIAMS'S CLIENTS IS JOHN J. KEARNEY, THE NEW YORK EX-FBI
AGENT WHO WAS INDICTED FOUR MONTHS AGO ON CHARGES OF ILLEGAL
WIRETAPPING AND MAIL-OPENING IN PURSUIT OF THE WEATHERMEN. THE OTHER
IS RICHARD HELMS, THE FORMER DIRECTOR OF THE CIA, WHO HAS BEEN UNDER
GRAND JURY INVESTIGATION FOR PERJURY.

BELL'S IMMEDIATE PROBLEM WITH THE FBI IS TO DECIDE WHETHER TO INDICT
AN UNSPECIFIED NUMBER (PROBABLY AROUND 10 IN ALL) OF AGENTS IN NEW
YORK AND WASHINGTON WHO ARE ALLEGED TO HAVE COMMITTED THE SAME
OFFENSES AS KEARNEY DURING THE SAME PERIOD. TIME IS RUNNING OUT ON
THE STATUTE OF LIMITATIONS. HE SENT A QUIVER OF HOPE THROUGH THE
RANKS WITH THE ANNOUNCEMENT LAST SATURDAY THAT KEARNEY'S SUPERIOR
WOULD NOT BE INDICTED.

HE HAS BEEN SENDING SIGNALS ABOUT HIS EXTREME DISCOMFORT IN MOVING
AGAINST THE FBI. IN AN EXTRAORDINARY PUBLIC STATEMENT A MONTH AGO, HE
SAID HE MIGHT HAVE BEEN WRONG WHEN HE INDICTED KEARNEY.

HIS MAIL WAS RUNNING HEAVILY - 100 TO 1 - AGAINST HIM, THE ATTORNEY
GENERAL SAID IN A WASHINGTON LUNCHEON SPEECH. IT WAS A CURIOUS KIND
OF THING FOR THE NATION'S NO. 1 LAW ENFORCEMENT AGENT TO BE SAYING -
AS IF JUSTICE SHOULD BE RENDERED ON THE BASIS OF A POLL.

CONSIDERABLE PUBLIC OUTCRY ATTENDED THE KEARNEY INDICTMENT. A
COMMITTEE, HEADED BY FORMER TREASURY SECRETARY WILLIAM SIMON, FORMER
ENVOY CLAIRE BOOTHE LUCE AND FORMER SEN. JAMES L. BUCKLEY WAS FORMED,
AND FELL TO RAISING MONEY FOR THE DEFENSE OF THE ENDANGERED EX-AGENT.
TO DATE, THE CITIZENS LEGAL DEFENSE FUND HAS COLLECTED \$190,000 FROM
A DIRECT MAILING, APPEALING FOR CONTRIBUTIONS "TO HELP MAINTAIN THE
MORALE OF THE FBI."

THE LETTERS TO THE EDITORS COLUMN ARE STUDDED WITH EXPRESSIONS OF
OUTRAGE, WHICH COULD BE INSPIRED OR SPONTANEOUS, FROM CITIZENS WHO
PROTEST THAT KEARNEY ACTED UNSELFISHLY AND PATRIOTICALLY TO PROTECT

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THERE HAS BEEN A COUNTER-PROTEST FROM ONE WHO IS SEEKING TO ESTABLISH THE PRINCIPLE OF INDIVIDUAL ACCOUNTABILITY AMONG GOVERNMENT OFFICIALS.

BELL, WHO COMPLAINED A GOOD DEAL DURING HIS SENATE CONFIRMATION HEARINGS, THAT HIS CIVIL RIGHTS RECORD WAS BEING JUDGED OUT OF CONTEXT, MAY HAVE CONSIDERABLE SYMPATHY WITH THE AGENTS, WHO TOOK FORBIDDEN MEASURES TO RUN THE WEATHERMEN TO EARTH.

HE HAS RECENTLY SELECTED AN ILLUSTRIOUS SOUTHERN FEDERAL JUDGE, FRANK M. JOHNSON JR., AS THE NEW FBI DIRECTOR. HE IS BUSY DRAWING UP A NEW CHARTER FOR THE BUREAU. HIS INCLINATION IS TO FORGET THE PAST.

OBVIOUSLY, IF THE OTHERS ARE LET GO, THE CASE AGAINST KEARNEY, OUT OF COMMON DECENCY, WILL HAVE TO BE DROPPED. AS WILLIAMS OBSERVED, ON HEARING THAT KEARNEY'S SUPERVISOR WAS IN THE CLEAR, "IT'S INCREDIBLE TO ME THAT JOHN KEARNEY SHOULD BE THE ONLY AGENT TO HANG OUT ON THE LINE."

IN THE HELMS CASE THERE IS NO OVERT PRESSURE ON THE ATTORNEY GENERAL. NO DEFENSE COMMITTEE IS OUT PASSING THE BAT FOR THE SURVE FORMER DIRECTOR WHO PRESIDED OVER THE AGENCY DURING ITS MOST LURID YEARS - VIETNAM, CHILE, WATERGATE AND THE ASSAULT ON AMERICAN PRIVACY KNOWN AS "OPERATION CHAOS."

BUT HELMS HAS CLOUT AMONG THE PEOPLE WHO MATTER IN WASHINGTON, PEOPLE WHO WILL EXPLAIN TO THE PRESIDENT THE POSSIBLY CATACLYSMIC EFFECT OF BRINGING INTO OPEN COURT A MAN WHO KNOWS THE REPUBLIC'S WORST SECRETS.

THEIR CONCERN MAY BE INTENSIFIED BY REPORTS THAT HELMS HAS NO INTENTION OF GOING QUIETLY. HE HAS, IN FACT, THREATENED TO TAKE A NUMBER OF PEOPLE WITH HIM OVER THE SIDE, IF HE GOES. SPECIFICALLY, THE FORMER SECRETARY OF STATE, HENRY KISSINGER, WHO AT A CELEBRATED DINNER OF SYMPATHY AND SUPPORT, STAGED BY THE ESTABLISHMENT IN JANUARY 1975, AS THE CLOUDS BEGAN TO GATHER, CALLED HELMS, "AN HONORABLE MAN."

KISSINGER HAD AN OPPORTUNITY TO VENTILATE HIS WORRIES TO PRESIDENT CARTER WHEN THEY MET ON AUG. 15 FOR A WHITE HOUSE LUNCH. THE PRESIDENT NEEDS KISSINGER'S HELP ON THE PANAMA CANAL TREATY. IF THE RUMORS ABOUT HELMS'S INTENTIONS ARE ACCURATE, KISSINGER NEEDS CARTER'S HELP EVEN MORE.

BELL'S FEELINGS ABOUT "NOT INDICTING AN ERA" CANNOT OPERATE IN HELMS'S CASE, SINCE HIS PERIL COMES NOT FROM HIS SUPERVISION OF THE CRIMINAL DIOCESSES OF THE 1960s, THE DRUG AND POISON PLOTS AND ASSASSINATION ATTEMPTS, BUT FROM A MORE PERMANENT ASPECT OF HUMAN BEHAVIOR - TELLING THE TRUTH UNDER OATH.

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IN 1973 HELMS DENIED FLATLY THAT THE AGENCY HAD ANY PART IN THE OVERTHROW OF THE MARXIST ALLENDE GOVERNMENT IN CHILE. THREE YEARS LATER, HOWEVER, BEFORE THE CHURCH COMMITTEE, HE ADMITTED INTERVENTION. AFTER RECEIVING AN ALL-INCLUSIVE ORDER FROM NIXON ABOUT CHILE, HE RECALLED: "IF I EVER CARRIED A MARSHAL'S BATON IN MY KNAPSACK OUT OF THE OVAL OFFICE, IT WAS THAT DAY."

BELL AND CARTER PLAINLY DO NOT WANT TO TAKE ON THE DISCREDITED INTELLIGENCE COMMUNITY. THE QUESTION THEY HAVE TO ANSWER IS THE ONE ASKED IN WATERGATE: ARE GOVERNMENT OFFICIALS RESPONSIBLE FOR THEIR ACTIONS AND SUBJECT TO THE LAW, OR IS "THE CLIMATE OF THE TIMES" THE ALL-PURPOSE ALIBI?

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